

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOKTON SPEERT, *et al.*,

Plaintiffs,

V.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. C04-1975L

**ORDER GRANTING MOTION FOR
LEAVE TO FILE SECOND
AMENDED COMPLAINT**

This matter comes before the Court on plaintiffs “Motion for Leave to File Second Amended Complaint for Damages for Violation Civil Rights and Negligence” (Dkt. # 53). To amend “shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a). A court should consider four factors in deciding whether to grant leave to amend: “bad faith, undue prejudice to the opposing party, and the futility of amendment.” Kaplan v. Rose, 49 F.3d 1370 (9th Cir. 1994). Having reviewed the motion, the proposed amended complaint, and the government’s opposition, the Court finds that plaintiffs’ proposed amendment is not barred by bad faith, undue delay, prejudice, or futility. The Court therefore GRANTS the “Motion for Leave to File Second Amended Complaint for Damages for Violation Civil Rights and Negligence” (Dkt. # 53). Plaintiffs are DIRECTED to file the second amended complaint within

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1 seven days of the date of this Order.

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3 DATED this 8th day of August, 2005.

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Robert S. Lasnik

6 Robert S. Lasnik
7 United States District Judge

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